

Image



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Lerner

Atty. Ref.: 4230-5; Confirmation No. 9018

Appl. No. 10/051,817

TC/A.U. 1615

Filed: January 18, 2002

Examiner: Azpuru

For: METHOD AND APPARATUS FOR ENHANCED AND CONTROLLED
DELIVERY OF A BIOLOGICALLY ACTIVE AGENT INTO THE CENTRAL
NERVOUS SYSTEM OF A MAMMAL

* * * * *

February 2, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is responsive to the Official Action of January 2, 2004.

Claims 1-31 are pending in the application of which claims 11-20, 25, 27, 29 and 31 have been withdrawn from consideration as directed to non-directed subject matter. Counsel will retain these claims in the application until such time as allowable subject matter is indicated and then address possible issues of rejoinder or other appropriate action.

The elected and examined claims 1-10, 21-24, 26, 28 and 30 have been rejected as allegedly being anticipated by Lerner et al (the inventor herein) on the basis of published PCT application WO 97/18855 published May 29, 1997. This application arises from PCT application PCT/EP96/05086. As reflected on the Filing Receipt in respect of the

Lerner

Appl. No. 10/051,817

February 2, 2004

subject application, this application derives from PCT/EP96/05086, applicant claims benefit of it, and accordingly it is not available as prior art in this application.

Reconsideration and allowance of claims 1-10, 21-24, 26, 28 and 30 are solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford
Reg. No. 25,327

ARC:eaw

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100